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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,027	10/21/2003	Jon Muskin	Mus-01	4679

43536 7590 09/27/2006

MUSKIN & CUSICK LLC
1800 CALLOWHILL ST
SUITE 200
PHILADELPHIA, PA 19130

EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



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Muskin & Cusick LLC
1800 Callowhill ST.
Suite 200
Philadelphia, PA 19130

In re Application of: Jon Muskin	:	PETITION TO SUSPEND
Application No. 10/689,027	:	ACTION
Filed: October 21, 2003	:	UNDER
Attorney Docket No.: Mus-01	:	37 C.F.R. 1.103
For: VIDEO POKER GAME WITH A BET	:	
DOUBLING OPTION	:	

This is in response to applicant's petition filed on August 7, 2006 to suspend action by the examiner for a period of six months.

The petition is **DENIED**.

The petitioner argues that U.S. Patent No. 7,017,909 has claims which interfere with claims of the instant application and the suspension is needed in order to prepare a reexamination request on patent. The petitioner points to claim 3 of U.S. Patent 7,017,909 as interfering with claim 29 in the instant application.

A review of the patent and the instant application indicates that claim 3 of the patent is directed to a method and claim 29 of the instant application is directed to an apparatus structure. In addition to the identified claims being drawn to two different statutory classes of inventions the two claims differ rather extensively in scope.

Accordingly, the argument for a possible interference urged by petitioner is not seen to be convincing.

Accordingly, the petition is denied and the application will be acted on in turn by the examiner. Currently, cases being acted on in the Art Unit where this application is pending were filed in June of 2003.

Summary: Petition DENIED

 9/20/06
Robert P. Olszewski
Supervisory Patent Examiner
Art Unit 3714